

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.) Case No. 08 CV 3160
)
EGAN MARINE, INC., in personam, MOTOR) Judge Coar
VESSEL LISA E, in rem, and TANK BARGE)
EMC-423, in rem,) Magistrate Judge Cox
)
Defendants.)

**MOTION TO WITHDRAW AS ATTORNEY FOR DEFENDANTS AND FOR
ADDITIONAL TIME TO ANSWER OR OTHERWISE PLEAD**

NOW COMES Swanson, Martin & Bell, LLP, and hereby moves to withdraw as attorney for Defendants, EGAN MARINE CORPORATION, in personam, MOTOR VESSEL LISA E, in rem, and TANK BARGE EMC-423, in rem, (hereinafter collectively referred to as “EMC Defendants”), and in support thereof, states as follows:

1. On July 23, 2008, Swanson, Martin & Bell, LLP moved for leave to appear in this matter.
2. On July 24, 2008, Swanson, Martin & Bell, LLP appeared and participated in the hearing on Defendants’ Emergency Motion to Preserve Evidence.
3. On July 24, 2008, plaintiff filed an Amended Verified Complaint. Prior to filing the Amended Verified Complaint, plaintiff agreed to allow Defendants until August 6, 2008, to answer or otherwise plead.
4. In evaluating Defendants’ defense strategy and crafting an answer, Swanson, Martin & Bell, LLP discovered a conflict between Defendants and a contribution defendant who is necessary to Defendants’ defense.
5. Swanson, Martin & Bell, LLP cannot represent Defendants against another

existing firm client.

6. The conflict was first discovered on July 30, 2008, and did not occur through any fault of Defendants.
7. Swanson, Martin & Bell, LLP, requests leave to withdraw its appearance of Defendants and for an additional twenty days – or until August 26, 2008 – for Defendants to answer or otherwise plead.
8. This motion is made in good faith and not for purpose of delay.

WHEREFORE, for the foregoing reasons, Swanson, Martin & Bell, LLP moves this Court for leave to withdraw its appearance on behalf of all defendants and for an additional ten days, until August 26, 2008, for Defendants to answer the Amended Verified Complaint.

Respectfully submitted,

By: s/John P. Arranz
One of the Attorneys for Defendants

Dated: July 31, 2008

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